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## FEES TRANSMITTAL For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	510.00	Attorney Docket No.	SHO-0051
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### Complete if Known

Application Number	10/697,084-Conf. #9737
Filing Date	October 31, 2003
First Named Inventor	Tatsuhiko Tanimura
Examiner Name	M. J. Thomasson
Art Unit	3714

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 18-0013 Deposit Account Name: Rader, Fishman & Grauer PLLC

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
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50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)

##### Multiple Dependent Claims

Fee (\$)	Fee Paid (\$)
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Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50 =	(round up to a whole number) x		

Fees Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity)

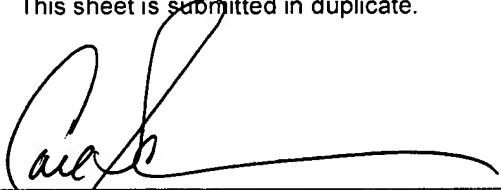
Other (e.g., late filing surcharge):

1402 Filing a brief in support of an appeal

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Signature		29,211	(202) 955-3750
Name (Print/Type)	Carl Schaukowitch	Date	April 22, 2008



<b>TRANSMITTAL OF APPEAL BRIEF</b>		Docket No. SHO-0051
In re Application of: Tatsuhiko TANIMURA		
Application No. 10/697,084-Conf. #9737	Filing Date October 31, 2003	Examiner M. J. Thomasson
Invention: GAMING MACHINE		
<b><u>TO THE COMMISSIONER OF PATENTS:</u></b>		
Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: <u>February 20, 2008</u>		
The fee for filing this Appeal Brief is <u>\$ 510.00</u>		
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity		
<input type="checkbox"/> A petition for extension of time is also enclosed.		
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		Dated: <u>April 22, 2008</u>
Carl Schaukowitch Attorney Reg. No. : 29,211 RADER, FISHMAN & GRAUER PLLC 1233 20th Street, N.W. Suite 501 Washington, DC 20036 (202) 955-3750		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:  Tatsuhiko TANIMURA et al.  Application No.: 10/697,084  Filed: October 31, 2003  For: GAMING MACHINE	Attorney Docket No.: SHO-0051  Examiner: M. J. Thomasson  Art Unit: 3714  Confirmation No.: 9737
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**APPEAL BRIEF**

**MS APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Under 37 C.F.R. §41.37, this Appeal Brief is in furtherance of the Notice of Appeal, filed in the above-identified application on February 20, 2008, and the Notice of Panel Decision from Pre-Appeal Brief Review dated March 24, 2008, and appeals the final decision of the Examiner in the final Office Action dated April 8, 2005.

The fees required under § 41.20 and any required petition for extension of time for filing this brief and fees therefor, are provided in the accompanying Transmittal of Appeal Brief. Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

In compliance with 37 C.F.R. §41.37(a)(1), one (1) copy of this Appeal Brief is hereby filed.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments

- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Arguments
- VIII. Claims
- IX. Evidence
- X. Related Proceedings
- XI. Conclusion

Claims Appendix

Drawing Figures Appendix

## **I. REAL PARTY IN INTEREST**

The real party in interest for this appeal is:

Aruze Corp. of Tokyo, Japan ("Aruze ") is the real party in interest of the present application. An assignment of all rights in the present invention to Aruze was executed by the inventors and recorded by the United States Patent and Trademark Office on reel 015495, frame 0275.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

## **III. STATUS OF CLAIMS**

Claim 1	(rejected)	now being appealed
Claim 2	(rejected)	now being appealed
Claim 3	(rejected)	now being appealed
Claim 4	(rejected)	now being appealed
Claim 5	(rejected)	now being appealed
Claim 6	(rejected)	now being appealed
Claim 7	(rejected)	now being appealed
Claim 8	(rejected)	now being appealed
Claim 9	(rejected)	now being appealed
Claim 10	(rejected)	now being appealed

#### **IV. STATUS OF AMENDMENTS**

An Amendment under 37 C.F.R. §1.111 in which claims 4-9 were added was filed subsequent to the first Office Action dated October 3, 2006. An Amendment under 37 C.F.R. §1.111 in which claim 10 was added was filed subsequent to a second non-final Office Action dated February 26, 2007. Applicant filed a Response to Final Office Action under 37 C.F.R. §1.116 on December 27, 2007, requesting reconsideration of the application in response to the final Office Action dated October 31, 2007. The Examiner responded to the Response to Final Office Action in an Advisory Action mailed January 25, 2008, which states that the request for reconsideration has been considered but does not place the application in condition for allowance.

Accordingly, claims 1-10 enclosed herein and recited in Appendix A are the original claims 1-3 and un-amended, newly-added claims 4-10 of the application.

#### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1 is directed to a gaming machine 1 (page 8, line 7, et seq.; Fig. 1) that includes a liquid crystal display device 27 (page 11, line 25, et seq.; Fig. 3) and a variable display device 3L, 3C, 3R (page 9, line 21, et seq.; Figs. 1, 2 and 5). The liquid crystal display device 27 includes a liquid crystal panel 173 (page 14, line 16, et seq.; Figs. 3 and 5) and a light guiding plate 174 (page 14, line 17, et seq.; Figs. 3-5) disposed at a rear of the liquid crystal panel 173 for guiding light emitted from illumination means 176a, 176b (page 21, lines 11-12, et seq.; Fig. 3) for the liquid crystal panel 173 to the liquid crystal panel 173. The variable display device 3L, 3C, 3R is disposed at a rear of the liquid crystal display device 27 and includes a plurality of reels 3L, 3C, 3R provided in a row each on which a plurality of symbols (Fig. 2) are arranged. A part of the light guiding plate 174 to which each of the reels 3L, 3C, 3R is opposed is formed with a cutout 40L, 40C, 40R (page 17, line 6 et seq.; Fig. 5) or a recess 40L, 40C, 40R (page 17, line 6 et seq.; Fig. 5) on the side opposed to the reel 3L, 3C, 3R. An end face 174a, 174b, 174c (page 17, line 3, et seq.; Fig. 5) of the cutout 40L, 40C, 40R or the recess 40L, 40C, 40R is applied with a light scattering process.

Claim 2 is directed to a gaming machine 1 (page 8, line 7, et seq.; Fig. 1) that includes a liquid crystal display device 27 (page 11, line 25, et seq.; Fig. 3) and a

variable display device 3L, 3C, 3R (page 9, line 21, et seq.; Figs. 1, 2 and 5). The liquid crystal display device 27 includes a liquid crystal panel 173 (page 14, line 16, et seq.; Figs. 3 and 5) and a light guiding plate 174 (page 14, line 17, et seq.; Figs. 3-5) disposed at a rear of the liquid crystal panel 173 for guiding light emitted from an illumination means 176a, 176b (page 21, lines 11-12, et seq.; Fig. 3) for the liquid crystal panel 173 to the liquid crystal panel 173. The variable display device 3L, 3C, 3R is disposed at a rear of the liquid crystal display device 27 and includes a plurality of reels 3L, 3C, 3R provided in a row each on which a plurality of symbols (Fig. 2) are arranged. A part of the light guiding plate 174 to which each of the reels 3L, 3C, 3R is opposed is formed with a cutout 40L, 40C, 40R (page 17, line 6, et seq.; Fig. 5) or a recess 40L, 40C, 40R (page 17, line 6, et seq.; Fig. 5) on the side opposed to the reel 3L, 3C, 3R. An end face 174a, 174b, 174c (page 17, line 3, et seq.; Fig. 5) of the cutout 40L, 40C, 40R or the recess 40L, 40C, 40R is formed in a shape to scatter light.

Claim 4 is directed to a gaming machine 1 (page 8, line 7, et seq.; Fig. 1) that includes an illumination unit 176a, 176b (page 21, lines 11-12, et seq.; Fig. 3), a liquid crystal display device 27 (page 11, line 25, et seq.; Fig. 3) and a variable display device 3L, 3C, 3R (page 9, line 21, et seq.; Figs. 1, 2 and 5). The illumination unit 176a, 176b emits light. The liquid crystal display device 27 includes a liquid crystal panel 173 (page 14, line 16, et seq.; Figs. 3 and 5) and a light guiding plate 174 (page 14, line 17, et seq.; Figs. 3-5) disposed at a rear of the liquid crystal panel 173 for guiding light emitted from the illumination unit 176a, 176b to the liquid crystal panel 173. The variable display device 3L, 3C, 3R that is disposed at a rear of the liquid crystal display device 27 and includes a plurality of reels 3L, 3C, 3R provided in a row each on which a plurality of symbols (Fig. 2) are arranged. A part of the light guiding plate 174 to which each of the reels 3L, 3C, 3R is opposed is formed with a cutout 40L, 40C, 40R (page 17, line 6, et seq.; Fig. 5) or a recess 40L, 40C, 40R (page 17, line 6, et seq.; Fig. 5) on the side opposed to the reel 3L, 3C, 3R. An end face 174a, 174b, 174c (page 17, line 3, et seq.; Fig. 5) of the 40L, 40C, 40R cutout or the recess 40L, 40C, 40R is configured to scatter light.

Claim 10 is directed to a gaming machine 1 (page 8, line 7, et seq.; Fig. 1) that includes an illumination unit 176a, 176b (page 21, lines 11-12, et seq.; Fig. 3), a

liquid crystal display device 27 (page 11, line 25, et seq.; Fig. 3) and a variable display device 3L, 3C, 3R (page 9, line 21, et seq.; Figs. 1, 2 and 5). The illumination unit 176a, 176b emits light. The liquid crystal display device 27 includes a liquid crystal panel 173 (page 14, line 16, et seq.; Figs. 3 and 5) and a light guiding plate 174 (page 14, line 17, et seq.; Figs. 3-5) disposed at a rear of the liquid crystal panel 173 for guiding light emitted from the illumination unit 176a, 176b to the liquid crystal panel 173. The variable display device 3L, 3C, 3R is disposed at a rear of the liquid crystal display device 27 and includes a plurality of reels 3L, 3C, 3R provided in a row each on which a plurality of symbols (Fig. 2) are arranged. A part of the light guiding plate 174 to which each of the reels 3L, 3C, 3R is opposed is formed with a cutout 40L, 40C, 40R (page 17, line 6, et seq.; Fig. 5) or a recess 40L, 40C, 40R (page 17, line 6, et seq.; Fig. 5) on the side opposed to the reel 3L, 3C, 3R. An end face 174a, 174b, 174c (page 17, line 3, et seq.; Fig. 5) of the cutout 40L, 40C, 40R or the recess 40L, 40C, 40R is configured to scatter light and the light guiding plate 174 illuminates the reels 3L, 3C, 3R with light scattered out from the cutout 40L, 40C, 40R or the recess 40L, 40C, 40R.

## **VI. Grounds of Rejection to be Reviewed on Appeal**

Claims 1, 2, 4, 6-8 and 10 stand rejected under 35 USC 103 (a) as being unpatentable over Ozaki (U.S. Patent Application Publication No. 2001/0031658) in view of Satoh et al. (U.S. Patent No. 6,811,273).

Claims 3 and 5 stand rejected under 35 USC 103 (a) as being unpatentable over Ozaki, Satoh and further in view of Weiss (U.S. Patent No. 6,623,006).

Claim 9 stand rejected under 35 USC 103 (a) as being unpatentable over Ozaki, Satoh and further in view of Niwa (U.S. Patent No. 6,790,140).

## **VII. ARGUMENTS**

### **A. Rejection of Claims 1, 2, 4, 6-8 and 10 under 35 U.S.C. §103**

#### **Claim 1**

Claim 1 is directed to a gaming machine that includes a liquid crystal display device and a variable display device. Claim 1 recites that the liquid crystal display device includes a liquid crystal panel and a light guiding plate disposed at a rear of

the liquid crystal panel for guiding light emitted from illumination means for the liquid crystal panel to the liquid crystal panel. Also, claim 1 recites that the variable display device is disposed at a rear of the liquid crystal display device and includes a plurality of reels provided in a row each on which a plurality of symbols are arranged. Further, claim 1 recites that a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is applied with a light scattering process.

1. Examiner's Failure to Establish a *Prima Facie* Case of Obviousness

In rejecting claims under 35 U.S.C. 103, the United States Patent and Trademark Office bears the initial burden of presenting a *prima facie* case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. "A *prima facie* case of obviousness is established if the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." In re Bell, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) quoting In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143,147 (CCPA 1776). The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. The conclusion that the claimed subject matter is obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led the individual to combine the relevant teachings of the references to arrive at the claimed invention. If the Examiner fails to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned.

The Examiner raised §103 rejection of claim 1 based on the combination of the following three configurations:

Fig. 2 of Ozaki (US'658): EL panel + opening on the intermediate panel 27

Fig. 28 of Ozaki: LCD panel + semi-transparent reflective plate 25

Satoh (US '273): opening on the transparent frame member 10

It is respectfully submitted that a skilled person would NOT be motivated to provide an opening on the semi-transparent reflective plate 25 of the second configuration (with LCD panel). Accordingly, a skilled person would NOT be

motivated to combine the second configuration with the first or the third configuration.

And yet, the Examiner maintained his §103 rejection by mentioning that Satoh discloses the transparent frame member 10 being formed with an opening. It is respectfully submitted that it appears the Examiner has unduly oversimplified Applicant's previous arguments and has apparently not examined the Applicant's previous arguments to a reasonable extent.

The Office Action admits that Ozaki (US'658) fails to disclose any cutouts or recess formed in the light guiding plate in the configuration shown in Fig. 28, which is an embodiment using an LCD panel, while pointing out that the cutouts are disclosed in the configuration shown in Fig. 2 of Ozaki, which is another embodiment using an EL panel.

It is clearly described in Ozaki that the intermediate panel 27 shown in Fig. 2 is opaque (c.f. paragraph [0045]). The cutouts are formed on the intermediate panel 27 so that the reels 30 could be seen through the opaque intermediate panel 27 and through the transparent EL panel 28.

It should be noted here that an EL panel is a spontaneous luminescent type device that does not require backlight in displaying an image.

In the alternative embodiment shown in Fig. 28, the semi-transparent reflective plate 25 is disposed to provide a backlight to the LCD panel 24. A skilled person would not be motivated to form a cutout, like the one formed on the opaque intermediate panel 27, on the semi-transparent reflective plate 25 that is already semi-transparent as shown by the arrows in Fig. 28.

A skilled person would also not be motivated to do so by a reason that, if a cutout is formed on the plate 25, the backlight would not be provided to the LCD panel at the cutout when the back side display device 2 is made dark as described in paragraph [0139], causing the image displayed by the LCD panel damaged.

Accordingly, it is respectfully submitted that a skilled person would not be motivated to form a cutout on the plate 25 as such disclosed in a different embodiment of Ozaki or in Satoh (US 273). Therefore, it is respectfully submitted

that the claimed invention would not be obvious from the combination of Ozaki and Satoh.

2. Examiner's Failure to Consider All Claim Limitations

When evaluating a claim for determining obviousness, all limitations of the claim must be considered. Under 35 U.S.C. 103, it provides that: a patent may not be obtained if the differences between the subject matter sought to be patented and the prior art are such that *the subject matter as a whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

It is respectfully submitted that the Examiner fails to consider all of the claimed features of the invention, especially those that are missing from the prior art. It is respectfully submitted that fails to consider a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is applied with a light scattering process.

MPEP 2143.01 states that the prior art must suggest the desirability of the claimed invention. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). It is respectfully submitted that the Examiner fails to identify a persuasive suggestion to combine the teachings of the references. "Identification in the prior art of each individual part claimed is insufficient to defeat patentability to the whole claimed invention." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000) (citing In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998)). "Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." Id., 55 USPQ2d at 1316 (citing In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998) and In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)).

"Evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved...." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) (citing Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USQ2d 1626, 1630 (Fed. Cir. 1996) and Para-Ordinance Mfg. v. SGS Imports Intern., Inc., 73 F.3d 1085, 1088, 37 USPQ2d 1237, 1240 (Fed. Cir. 1995)). "The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. See, e.g., C.R. Bard, 157 F.3d at 1352, 48 USPQ2d at 1232. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" Id., 50 USPQ2d 1576 at 1617 (citing McElmurry v. Arkansas Power & Light Co., 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) and In re Sichert, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977)).

It is respectfully submitted that one of ordinary skill in the art would not be motivated to combine the features of the applied art because such combination of the applied art would not result in the claimed invention. As mentioned above, the applied art is devoid of the features of the claimed invention. For this additional reason, there cannot be any motivation for combining the features of the applied art because such features do not exist in the applied art.

### 3. Examiner's Failure to Establish Obviousness under KSR

Examiners must make appropriate rejections regarding the obviousness of claimed inventions in light of the recent Supreme Court's decision in KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ2d 1385 (2007). The familiar factual inquiries announced by the Supreme Court in its much earlier decision, Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), remain the basis for every decision regarding obviousness, i.e. Examiners will continue to consider:

- (1) the scope and content of the prior art,
- (2) the differences between the claimed invention and the prior art,
- (3) the level of ordinary skill in the pertinent art, and

(4) objective evidence relevant to the issue of obviousness.

To help Examiners make obviousness rejections that are supported by appropriate facts and reasoning, the guidelines identify a number of rationales suggested by the Supreme Court in the KSR decision. For each rationale, the Guidelines explain the underlying factual findings, and provide guidance about how to reason from the facts to the legal conclusion of obviousness. Based upon the guidelines, the Examiner must then articulate the following:

- (a) a finding that the prior art included each element claimed although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (b) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element in the early would have performed the same function as it did separately;
- (c) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and
- (d) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

As discussed above, the Examiner has failed to find that the prior art includes each claimed element as required under paragraph (a) set forth above. Further, it is respectfully submitted that since the Examiner has failed to find that the prior art includes each claimed element, paragraphs (b), (c) and (d) cannot be satisfied.

Based upon the above, it is respectfully submitted that the Examiner cannot support the Graham factual inquiries as required under KSR.

#### 4. Conclusion

At least for the reasons set forth above, withdrawal of the rejection of claim 1 is respectfully requested.

**Claim 2**

Claim 2 is directed to a gaming machine that includes a liquid crystal display device and a variable display device. Claim 2 recites that the liquid crystal display device includes a liquid crystal panel and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from an illumination means for the liquid crystal panel to the liquid crystal panel. Claim 2 also recites that variable display device is disposed at a rear of the liquid crystal display device and includes a plurality of reels provided in a row each on which a plurality of symbols are arranged. Further, claim 2 recites that a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is formed in a shape to scatter light.

**1. Examiner's Failure to Establish a Prima Facie Case of Obviousness**

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 2 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is formed in a shape to scatter light.

**2. Examiner's Failure to Consider All Claim Limitations**

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 2 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is formed in a shape to scatter light.

**3. Examiner's Failure to Establish Obviousness under KSR**

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 2 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is formed in a shape to scatter light.

#### 4. Conclusion

At least for the reasons set forth above, withdrawal of the rejection of claim 2 is respectfully requested.

#### Claim 4

Claim 4 is directed to a gaming machine that includes an illumination unit, a liquid crystal display device and a variable display device. Claim 4 recites that the illumination unit emits light. Also, claim 4 recites that the liquid crystal display device includes a liquid crystal panel and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from the illumination unit to the liquid crystal panel. Further, claim 4 recites that the variable display device that is disposed at a rear of the liquid crystal display device and includes a plurality of reels provided in a row each on which a plurality of symbols are arranged. Additionally, claim 4 recites that a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel. An end face of the cutout or the recess is configured to scatter light.

##### 1. Examiner's Failure to Establish a Prima Facie Case of Obviousness

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 4 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel.

An end face of the cutout or the recess is configured to scatter light.

2. Examiner's Failure to Consider All Claim Limitations

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 4 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel.

An end face of the cutout or the recess is configured to scatter light.

3. Examiner's Failure to Establish Obviousness under KSR

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 4 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel. An end face of the cutout or the recess is configured to scatter light.

4. Conclusion

At least for the reasons set forth above, withdrawal of the rejection of claim 4 is respectfully requested.

**Claim 10**

Claim 10 is directed to a gaming machine that includes an illumination unit, a liquid crystal display device and a variable display device. Claim 10 recites that the illumination unit emits light. Further, claim 10 recites that the liquid crystal display device includes a liquid crystal panel and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from the illumination unit to the liquid crystal panel. Also, claim 10 recites that the variable display device is disposed at a rear of the liquid crystal display device and includes a plurality of reels provided in a row each on which a plurality of symbols are arranged. Additionally, claim 10 recites

that a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is configured to scatter light and the light guiding plate illuminates the reels with light scattered out from the cutout or the recess.

1. Examiner's Failure to Establish a Prima Facie Case of Obviousness

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 10 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is configured to scatter light and the light guiding plate illuminates the reels with light scattered out from the cutout or the recess.)

2. Examiner's Failure to Consider All Claim Limitations

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 10 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is configured to scatter light and the light guiding plate illuminates the reels with light scattered out from the cutout or the recess.)

3. Examiner's Failure to Establish Obviousness under KSR

(See above. Applicant hereby applies the reasoning for claim 1 as discussed above for claim 10 here without unnecessarily repeating the arguments for claim 1 because, similar to claim 1, the applied art fails to teach or suggest a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel and an end face of the cutout or the recess is configured to scatter light and the light guiding plate illuminates the reels with light scattered out from the cutout or the recess.)

4. Conclusion

At least for the reasons set forth above, withdrawal of the rejection of claim 10 is respectfully requested.

Claims 6-8

Claims 6-8 depend from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Claims 1, 2, 4, 6-8 and 10

B. Rejection of Claims 3 and 5 under 35 U.S.C. §103

Claims 3 and 5

Claims 3 and 5 depend from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

C. Rejection of Claim 9 under 35 U.S.C. §103

Claim 9

Claim 9 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 1 is allowable as well as for the features it recites.

**VIII. CLAIMS**

A copy of the claims involved in this appeal is attached hereto in the Claims Appendix.

**IX. EVIDENCE**

No evidence is being presented and therefore there is no Evidence Appendix.

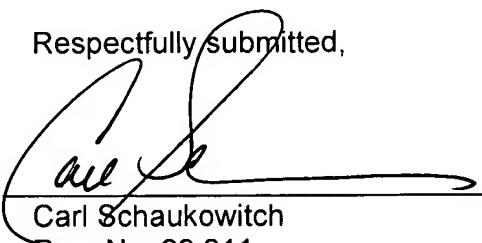
**X. RELATED PROCEEDINGS**

None.

**XI. CONCLUSION**

It is respectfully submitted that the Examiner had failed to establish a *prima facie* case of obviousness for the reasons set forth above either under the TSM (teaching suggestion motivation) test or the factual inquiries under Graham v. John Deere Co. It is respectfully requested the Board overturn the rejection and allow the pending claims.

Respectfully submitted,

By:   
Carl Schaukowitch  
Reg. No. 29,211

Dated: April 22, 2008

**RADER, FISHMAN & GRAUER PLLC**  
1233 20<sup>th</sup> Street, N.W. Suite 501  
Washington, D.C. 20036  
Tel: (202) 955-3750  
Fax: (202) 955-3751  
Customer No. 23353

Enclosure(s):      Transmittal of Appeal Brief  
                            Claims Appendix  
                            Drawing Figures (1-5) Appendix

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**CLAIMS APPENDIX**

**Claims Involved in the Appeal of Application No. 10/697,084**

1. (Original) A gaming machine comprising:  
a liquid crystal display device including a liquid crystal panel, and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from illumination means for the liquid crystal panel to the liquid crystal panel; and  
a variable display device disposed at a rear of the liquid crystal display device and including a plurality of reels provided in a row each on which a plurality of symbols are arranged,  
wherein a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel, and  
wherein an end face of the cutout or the recess is being applied with a light scattering process.
  
2. (Original) A gaming machine comprising:  
a liquid crystal display device including a liquid crystal panel, and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from an illumination means for the liquid crystal panel to the liquid crystal panel;  
and  
a variable display device disposed at a rear of the liquid crystal display device and including a plurality of reels provided in a row each on which a plurality of symbols are arranged,  
wherein a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel, and  
wherein an end face of the cutout or the recess is formed in a shape to scatter light.
  
3. (Original) The gaming machine as claimed in claim 1, wherein a part of at least one of the plurality of reels is inserted into the cutout or the recess.
  
4. (Previously Presented) A gaming machine comprising:  
an illumination unit that emits light;

a liquid crystal display device that includes a liquid crystal panel, and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from the illumination unit to the liquid crystal panel; and

a variable display device that is disposed at a rear of the liquid crystal display device and includes a plurality of reels provided in a row each on which a plurality of symbols are arranged,

wherein a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel, and

wherein an end face of the cutout or the recess is configured to scatter light.

5. (Previously Presented) The gaming machine according to claim 4, wherein a part of at least one of the plurality of reels is inserted into the cutout or the recess.

6. (Previously Presented) The gaming machine according to claim 1, wherein the end face of the cutout or the recess is being applied with a light scattering process.

7. (Previously Presented) The gaming machine according to claim 1, wherein the end face of the cutout or the recess is formed in a shape to scatter light.

8. (Previously Presented) The gaming machine according to claim 1 further comprising a processor that is operable with the liquid crystal display device to:

perform an internal lottery of a game with a random number at a predetermined timing;

stop at least one of the symbols of the variable display device based on the result of the internal lottery carried out by the internal lottery means; and

pay out a game medium to a player in a case where a stop state of the variable display device corresponds to a predetermined stop state.

9. (Previously Presented) The gaming machine according to claim 8 further comprising an operation unit that allows the player to input operation for stopping at least one of the symbols of the variable display device,

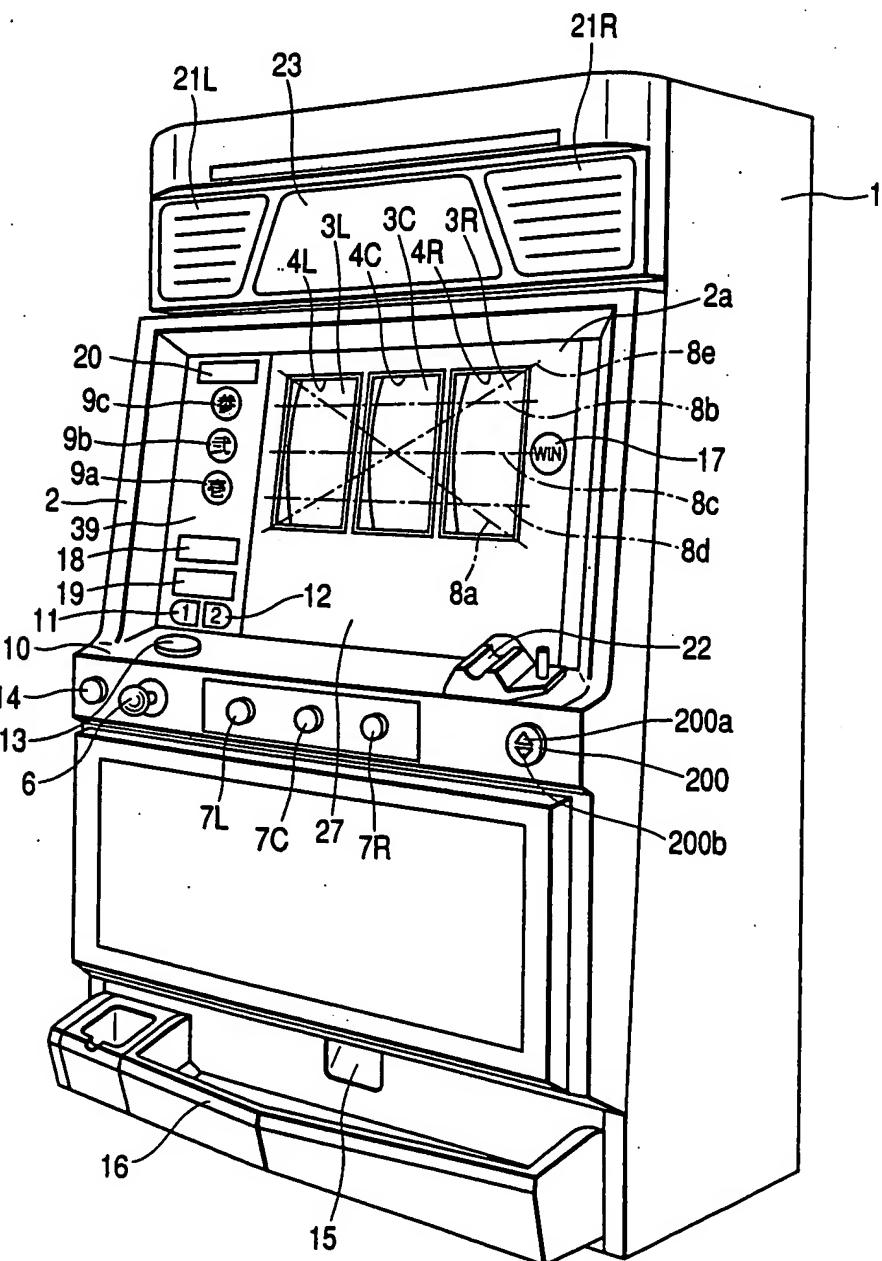
wherein the processor stops the symbols based on the internal lottery and on the operation input through the operation unit.

10. (Previously Presented) A gaming machine comprising:
  - an illumination unit that emits light;
  - a liquid crystal display device that includes a liquid crystal panel, and a light guiding plate disposed at a rear of the liquid crystal panel for guiding light emitted from the illumination unit to the liquid crystal panel; and
  - a variable display device that is disposed at a rear of the liquid crystal display device and includes a plurality of reels provided in a row each on which a plurality of symbols are arranged,
    - wherein a part of the light guiding plate to which each of the reels is opposed is formed with a cutout or a recess on the side opposed to the reel,
      - wherein an end face of the cutout or the recess is configured to scatter light, and
      - wherein the light guiding plate illuminates the reels with light scattered out from the cutout or the recess.

DRAWING FIGURE APPENDIX

1 of 5

FIG. 1



DRAWING FIGURE APPENDIX

2 of 5

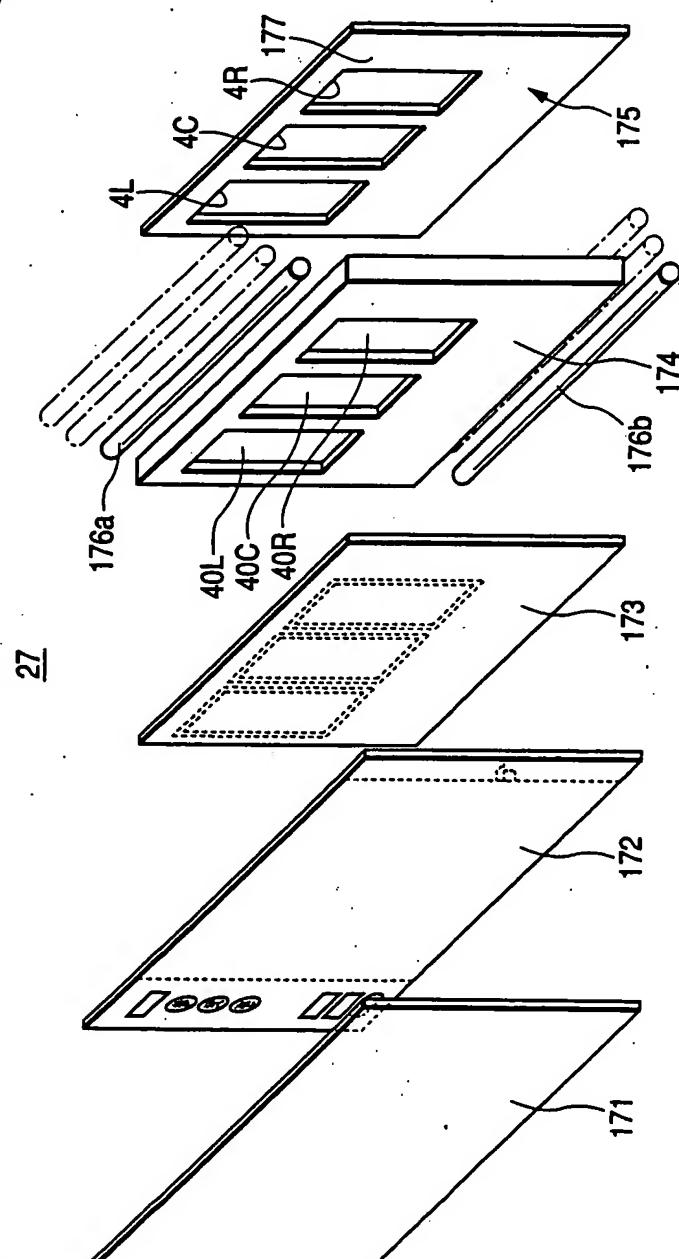
FIG. 2

	LEFT REEL	CENTER REEL	RIGHT REEL
00			
01			
02			
03			
04			
91			
05			
92			
06			
07			
08			
09			
10			
11			
12			
93			
13			
14			
94			
15			
95			
16			
96			
17			
18			
19			
20			

DRAWING FIGURE APPENDIX

3 of 5

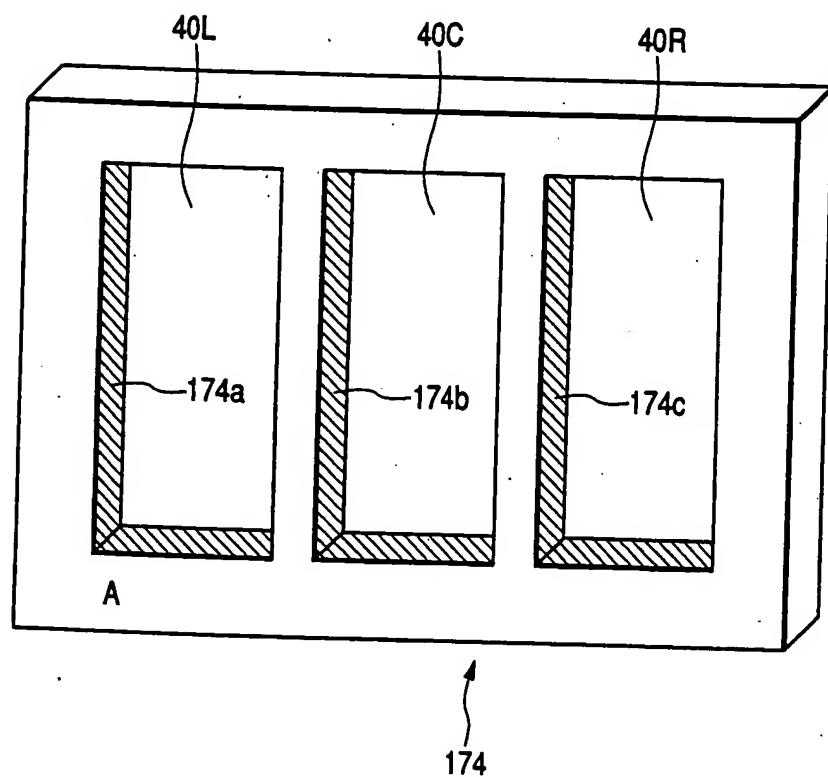
FIG. 3



DRAWING FIGURE APPENDIX

4 of 5

*FIG. 4*



DRAWING FIGURE APPENDIX

5 of 5

*FIG. 5*

